

### **REMARKS**

Reconsideration and allowance is respectfully requested. Claims 25, 27, 29-31, 36, 40-42, 45-47, 53, 55-61, 63-64, 82-83, 88-92, 94, 100, and 102 have been amended. Claims 1-24, 28, 32-35, 37, 44, 62, 65, and 67-81 have been cancelled. Claims 104-128 have been withdrawn.

The Examiner required restriction under 35 U.S.C. 121 to one of the following identified inventions:

- I. Claims 25-103, drawn to an energy distribution network.
- II. Claims 104-128, drawn to a process for controlling a hydrogen energy system.

Without in any way agreeing with the Examiner's submissions that the subject matter of the two groups of claims are distinct, the applicant hereby affirms its election of the claims of group I (claims 25-103) for further prosecution. The applicant has withdrawn claims 104-128 from further consideration without prejudice to prosecuting these claims in future.

The Examiner objected to the disclosure on the basis that the claims should be reflected as a continuation of the claims examined in the parent application rather than a division of such claims. The applicant has amended its specification accordingly.

The Examiner rejected claims 25-26, 30-31, 33-35, 38-39, 47-54, 56-60, 63, 66-68, 72-74, 78, 83-88 and 93-103 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over, Pritchard (US 5,592,028). The claims have been amended to define the invention more clearly and thus, obviate the rejections.

The Examiner notes that Pritchard is directed to a wind farm generation scheme that uses electrolysis to create gaseous fuel for a constant output generator.

The Examiner refers in particular to the control means described at column 2 lines 37-38 of Pritchard. This passage does not provide any details on the operation of such control means however. A more detailed description of the control means is provided at column 3 lines 32-41 which provides that the control means is arranged to cause voltage dependant switches 32 to adopt one of a number of operating positions 34. As noted in later submissions by the Examiner, the controller disclosed in a number of the applicant's other claims is much more "involved" than the control system disclosed or suggested by Pritchard.

The applicant has amended its claims to describe the applicant's controller in further detail. In particular, claim 25 has been amended to refer to the communication between the controller and the hydrogen generator and hydrogen storage reservoir. The control means of Pritchard is not in communication with such devices. Furthermore, claim 25 specifies that the controller includes a control processor and a computer for receiving and processing data and for controlling the generation and storage of hydrogen. The data that is received and processed includes data pertaining to demand for hydrogen, data pertaining to availability of electric energy and data pertaining to the status of the hydrogen generator. The control means disclosed in Pritchard does not receive and process such data or control the generation of storage of hydrogen based on such data. Accordingly, the applicant submits that applicant's claims, as amended, are not anticipated or obvious in view of Pritchard.

The Examiner rejected claims 27-29, 32, 36-37, 40-46, 55, 61-62, 64-65, 69-71, 75-77, 79-82 and 89-92 under 35 U.S.C. 103(a) as being unpatentable over Pritchard and further in view of Takriti (US 6,021,402).

As noted above, the Examiner admits that Pritchard does not teach a "more involved" control system. The Examiner submits that Takriti teaches such a system and in particular a computer implemented risk management system that schedules the generating units of an electric utility while taking into consideration power trading with other utilities and the stochastic load on the utility system. The Examiner argues that it would have been obvious to one of ordinary skill in the art to incorporate a

controlled-risk management system as taught by Takriti into the Pritchard device because of the ability to predict the need for various inputs in combination with their cost thereby reducing the cost/risks of operating the systems as taught by Takriti.

The applicant respectfully submits that the Pritchard and Takriti references cannot be combined in the manner suggested by the Examiner. In particular, the applicant notes that the Takriti system is directed to the generation of electricity and not to the generation of hydrogen. The system schedules the generating units of an electric utility based on input data including the price of fuel used by electric-power generators. The applicant's invention on the other hand is directed to a network that includes a controller for controlling the generation and storage of hydrogen based on data including data pertaining to the availability of electric energy used for generating such hydrogen. Such electric energy availability data may include data pertaining to the price of electricity. Accordingly, the applicant submits that the control system disclosed in Takriti is not directed to the control of the generation of hydrogen and the receipt and processing of data including data pertaining to hydrogen demand, availability of electric energy and status of the hydrogen generator.

The applicant has amended its claims to clarify the subject matter of the applicant's invention and submits that the subject matter of the claims as a whole is not disclosed or suggested by a combination of the Pritchard and Takriti references.

The Examiner rejected claims 25-103 on the ground of non-statutory obviousness type double patenting as being unpatentable over claims 1-167 of US Patent 6,745,105. A Terminal Disclaimer is provided in compliance with 37 CFR 1.321 to remove the double patenting rejection.

The Examiner objected to the information in the disclosure statement filed April 22, 2004 as failing to comply with 37 CFR 1.98(a)(3) because it included a patent that is not in the English language. The applicant submits an English language abstract for the patent in question together with a supplemental information disclosure statement once again listing such reference. The applicant hereby requests that the Examiner

provide the applicant with an initialed copy of the information disclosure statement indicating that the reference has been considered.

All objections and rejections having been addressed, it is respectfully submitted that this application is in condition for allowance and a Notice that that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "E. Stemberger", written in black ink.

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